

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HOLLY MARIE HUMMEL, on behalf of)	No. 07-civ-5473
herself and others similarly situated,)	
Plaintiff,)	DECLARATION OF MICHAEL
-against-)	DICHIARA
ASTRAZENECA LP,)	
Defendant.)	
)	
)	
)	
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MICHAEL DICHIARA declares pursuant to 28 U.S.C. § 1746 under penalty of perjury that the following is true and correct:

1. I am counsel for the Plaintiffs in the above-reference action. As such, I am familiar with the facts set forth herein.

2. I submit this declaration in support of Plaintiffs' opposition to Defendant's motion for summary judgment pursuant to Rule 56(b) of the Federal Rules of Civil Procedure.

3. Attached as Exhibit 1 is a true and correct copy of excerpts from the Brief of *Amici Curiae* filed by defense counsel in this case in the matter of *Barnick v. Wyeth*, Appeal No. 07-56684, pending in the Ninth Circuit Court of Appeals.

4. Attached as Exhibit 2 is a true and correct copy of relevant excerpts from the deposition of Cindy Atha, Area Sales Director for AstraZeneca's CNS division in the western part of the United States, taken in this matter on February 28, 2008.

5. Attached as Exhibit 3 is a true and correct copy of relevant excerpts from the deposition of Debra Martin Ventura, Director of Sales Training at AstraZeneca, taken in this matter on January 11, 2008.

6. Attached as Exhibit 4 is a true and correct copy of relevant excerpts from the deposition of Karen Bradley, Executive Director of Commercial Strategy at AstraZeneca, taken in this matter on May 15, 2008.

7. Attached as Exhibit 5 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, titled "New Promotional Materials to Support NEXIUM" and Bates labeled as pages AZ B_C000820 – 828.

8. Attached as Exhibit 6 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ B_C000944 – 957.

9. Attached as Exhibit 7 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ B_C001002 – 1022.

10. Attached as Exhibit 8 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ B_C001222 – 1233.

11. Attached as Exhibit 9 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ B_C001238 – 1249.

12. Attached as Exhibit 10 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, titled “AstraZeneca PSS Work Expectations” and Bates labeled as pages AZ B_C001336 – 1338.

13. Attached as Exhibit 11 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, titled “Overview of AstraZeneca Business Policies and Regulatory Review” and Bates labeled as pages AZ B_C0001538 – 1544.

14. Attached as Exhibit 12 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ B_C004230 – 4231.

15. Attached as Exhibit 13 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter Bates labeled as page AZ B_C0018072.

16. Attached as Exhibit 14 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, titled “AstraZeneca Field Sales Incentive Plan” and Bates labeled as pages AZ B_C0001820 – 1838.

17. Attached as Exhibit 15 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, titled “PSS Introduction by DSM to AstraZeneca Business Policies” and Bates labeled as page AZ B_C0001472.

18. Attached as Exhibit 16 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, titled “Gaining Access and Product Promotion” and Bates labeled as pages AZ B_C0002632 – 2673.

19. Attached as Exhibit 17 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, titled "Policy on Promotional Activities" and Bates labeled as page AZ B_C0004202.

20. Attached as Exhibit 18 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, Bates labeled as pages AZ0025072-88.

21. Attached as Exhibit 19 is a true and correct copy of a document produced by AstraZeneca in discovery in this matter, titled "Canned Detail – Prilosec v. Prevacid" and Bates labeled as pages AZ0006596-97.

22. Attached as Exhibit 20 is a true and correct copy of the USAToday/Kaiser Family Foundation/Harvard School of Public Health Survey entitled "*The Public on Prescription Drugs and Pharmaceutical Companies.*" The survey is available at the website of the Henry J. Kaiser Family Foundation, www.kff.org.

23. Attached as Exhibit 21 is a true and accurate copy of excerpts from the Deposition of Mark Capistrano, a District Manager for AZ, taken on June 4, 2008.

24. Attached as Exhibit 22 is a true and accurate copy of excerpts from the Deposition of Stephanie Dempsey, a Regional Alignment Leader for AZ, taken on May 29, 2008.

25. Attached as Exhibit 23 is a true and accurate copy of excerpts from the Deposition of Susan Johnson, former PSS, taken on June 3, 2008.

26. The first action filed against a pharmaceutical company alleging misclassification of pharmaceutical representatives was filed on March 6, 2006.

Dated: July 14, 2008


MICHAEL DICHARA